

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

HTC CORPORATION, et al.,

Defendants.

No. 2:17-CV-00078-RWS-RSP
(lead case)

ORDER STAYING PROCEEDINGS

Having considered the Joint Notice of Settlement and Motion to Stay [Dkt. # 108] filed by Plaintiff Cellular Communications Equipment LLC and Defendants HTC Corporation and HTC America, Inc., the Court GRANTS the motion and STAYS all proceedings and deadlines as they relate to HTC until July 9, 2018. If dismissal papers have not been filed by that date, lead and local counsel for the parties to the settlement must appear for a show-cause hearing on July 11, 2018, at 9:00 a.m.

A party's lack of payment is not sufficient to delay dismissal papers or continue the show-cause hearing, nor is a settlement agreement that conditions dismissal on full payment. If the parties want the Court to retain jurisdiction to enforce the settlement agreement, the proposed dismissal order should contain a provision to that effect. *See Hosp. House, Inc. v. Gilbert*, 298 F.3d 424, 431 (5th Cir. 2002) ("a district court has ancillary jurisdiction to enforce a settlement agreement only if the court makes the agreement part of its dismissal order").

SIGNED this 5th day of June, 2018.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE